

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zuniga et al. Art Unit : 1792  
Serial No. : 09/848,830 Examiner : Roberts P. Culbert  
Filed : May 3, 2001  
Title : CARRIER HEAD WITH A MULTILAYER RETAINING RING FOR  
CHEMICAL MECHANICAL POLISHING

## MAIL STOP PETITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## REQUEST TO WITHDRAW NOTICE OF ABANDONMENT

Applicant requests that the Notice of Abandonment mailed September 9, 2008 (copy enclosed) be withdrawn. The application was abandoned under 37 CFR §1.135 for failure to respond to the Office Action mailed November 20, 2007.


However, a Notice of Appeal was filed on April 18, 2008 and received as shown in the PAIR system. Therefore the deadline runs from April 18, 2008. A copy of the Electronic Acknowledgement Receipt dated April 18, 2008 is included showing receipt of the Notice of Appeal and payment of the fees for the Notice of Appeal and the extension of time for two months.

Applicant submits that the response to the Notice of Appeal was timely filed and requests that the Notice of Abandonment be withdrawn.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 10/20/08

  
David J. Goren  
Reg. No. 34,609

**Fish & Richardson P.C.**  
500 Arguello Street, Suite 500  
Redwood City, California 94063  
Telephone: (650) 839-5070  
Facsimile: (877) 769-7945

50614684.doc

**CERTIFICATE OF TRANSMISSION BY EFS-WEB FILING**

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: October 20, 2008



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/848,830

05/03/2001

Steven M. Zuniga

002834USACY5/22558-008002

9467

26185 7590 09/09/2008  
FISH & RICHARDSON P.C.  
P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

EXAMINER

CULBERT, ROBERTS P

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

09/09/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

**Notice of Abandonment**

Application No.

09/848,830

Applicant(s)

ZUNIGA ET AL.

Examiner

ROBERTS CULBERT

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 20 November 2007.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Roberts Culbert/  
Primary Examiner, Art Unit 1792

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	3178309
<b>Application Number:</b>	09848830
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9467
<b>Title of Invention:</b>	CARRIER HEAD WITH A MULTILAYER RETAINING RING FOR CHEMICAL MECHANICAL POLISHING
<b>First Named Inventor/Applicant Name:</b>	Steven M. Zuniga
<b>Customer Number:</b>	26185
<b>Filer:</b>	David J. Goren/Mae Pattison
<b>Filer Authorized By:</b>	David J. Goren
<b>Attorney Docket Number:</b>	002834USACY5/22558-303002
<b>Receipt Date:</b>	18-APR-2008
<b>Filing Date:</b>	03-MAY-2001
<b>Time Stamp:</b>	17:54:17
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 970
RAM confirmation Number	4049
Deposit Account	061050
Authorized User	

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
-----------------	----------------------	-----------	-------------------------------------	------------------	------------------

1	Notice of Appeal Filed	22558_008002_Notice_of_Appeal.pdf	35620 a55180f67b74270533efcf2e966d59c36110a633	no	1
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	8364 2354def01e887bd71ad78389cba4caa1b2fc2d17	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			43984		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>          If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>          If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>          If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					